

HOUSE BILL 835

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2lr2751

By: **Delegate Barnes**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Permanent Partial Disability Benefits –**
3 **Washington Metropolitan Area Transit Authority**

4 FOR the purpose of altering a certain definition of “public safety employee” so as to
5 apply a certain workers’ compensation provision relating to permanent partial
6 disability benefits to police officers employed by the Washington Metropolitan
7 Area Transit Authority; and generally relating to permanent partial disability
8 benefits provided under workers’ compensation.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–628
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Labor and Employment**

17 9–628.

18 (a) In this section, “public safety employee” means:

19 (1) a firefighter, fire fighting instructor, or paramedic employed by:

20 (i) a municipal corporation;

21 (ii) a county;

22 (iii) the State;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) the State Airport Authority; or

2 (v) a fire control district;

3 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
4 life support worker who is a covered employee under § 9–234 of this title and who
5 provides volunteer fire or rescue services to:

6 (i) a municipal corporation;

7 (ii) a county;

8 (iii) the State;

9 (iv) the State Airport Authority; or

10 (v) a fire control district;

11 (3) a police officer employed by:

12 (i) a municipal corporation;

13 (ii) a county;

14 (iii) the State;

15 (iv) the State Airport Authority; [or]

16 (v) the Maryland–National Capital Park and Planning
17 Commission; **OR**

18 **(VI) THE WASHINGTON METROPOLITAN AREA TRANSIT**
19 **AUTHORITY;**

20 (4) a Prince George’s County deputy sheriff or correctional officer;

21 (5) a Montgomery County deputy sheriff or correctional officer;

22 (6) an Allegany County deputy sheriff; or

23 (7) a Howard County deputy sheriff, but only when the deputy sheriff
24 is performing law enforcement duties expressly requested, defined, and authorized in
25 accordance with a written memorandum of understanding executed between the
26 Howard County Sheriff and other law enforcement agencies.

1 (b) Except as provided in subsections (g) and (h) of this section, if a covered
2 employee is awarded compensation for less than 75 weeks in a claim arising from
3 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
4 covered employee compensation that equals one-third of the average weekly wage of
5 the covered employee but does not exceed \$80.

6 (c) Except as provided in subsections (g) and (h) of this section, if a covered
7 employee is awarded compensation for less than 75 weeks in a claim arising from
8 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
9 covered employee compensation that equals one-third of the average weekly wage of
10 the covered employee but does not exceed \$82.50.

11 (d) Except as provided in subsections (g) and (h) of this section, if a covered
12 employee is awarded compensation for less than 75 weeks in a claim arising from
13 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
14 covered employee compensation that equals one-third of the average weekly wage of
15 the covered employee but does not exceed \$94.20.

16 (e) Except as provided in subsections (g) and (h) of this section, if a covered
17 employee is awarded compensation for less than 75 weeks in a claim arising from
18 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
19 covered employee compensation that equals one-third of the average weekly wage of
20 the covered employee but does not exceed \$114.

21 (f) Except as provided in subsections (g) and (h) of this section, if a covered
22 employee is awarded compensation for less than 75 weeks, the employer or its insurer
23 shall pay to the covered employee compensation that equals one-third of the average
24 weekly wage of the covered employee but does not exceed:

25 (1) for claims arising from events occurring on or after January 1,
26 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

27 (2) for claims arising from events occurring on or after January 1,
28 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

29 (3) for claims arising from events occurring on or after January 1,
30 2011, 16.7% of the State average weekly wage.

31 (g) If a covered employee is awarded compensation for less than 75 weeks for
32 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay
33 the covered employee weekly compensation at the rate set for an award of
34 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
35 under § 9-629 of this subtitle.

36 (h) If a public safety employee is awarded compensation for less than 75
37 weeks, the employer or its insurer shall pay the public safety employee compensation

1 at the rate set for an award of compensation for a period greater than or equal to 75
2 weeks but less than 250 weeks under § 9–629 of this subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.